



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David J. Ecker, et al

Serial No.: 10/660,997 Group Art Unit: Not Yet Assigned

Filing Date: September 12, 2003 Examiner: Not Yet Assigned

For: METHODS FOR RAPID

**DETECTION AND IDENTIFICATION** 

OF BIOAGENTS IN

EPIDEMIOLOGICAL AND FORENSIC INVESTIGATIONS

DATE OF DEPOSIT: 2 November 200)
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TYPED NAME:Paul K. Legaard REGISTRATION NO:38,534

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and in accordance with 37 C.F.R. §§ 1.97 and 1.98, information relating to the above-identified application is hereby disclosed, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 submitted herewith.

Inclusion of the information submitted herewith is not to be construed as an admission that the information is material as that term is defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This I	nforma	ation Disclosure Statement is being filed:	
$\boxtimes$	within	three months of the filing date of the patent application.	
	within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application.		
	before	e the mailing date of a first Office Action on the merits.	
	mailin	the mailing date of a first Office Action on the merits, but before the g date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of ance under 37 C.F.R. § 1.311, and accordingly is accompanied by:	
		the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below);	
		or	
		the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p); or	
	$\boxtimes$	No fee is owed by the applicant(s).	
	Staten Final S C.F.R	cordance with 37 C.F.R. § 1.129(a), this Information Disclosure nent is being filed in connection with $\square$ the first or $\square$ second After Submission, and accordingly is accompanied by the Statement under 37. § 1.97(e) (see "Statement" below) and the fee of \$180.00 as set forth in F.R. § 1.17(p), is attached.	
	Notice with, Staten Inform	the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a e of Allowance under 37 C.F.R. § 1.311, but before, or simultaneously the payment of the Issue Fee, and accordingly is accompanied by the nent under 37 C.F.R. § 1.97(e), a Petition requesting consideration of the nation Disclosure Statement and the Petition Fee of \$130.00 set forth in F.R. § 1.17(i)(1) (see "Statement," "Petition," and "Fees" below).	
	•	s of references (BA-BG and CA-CE) listed on the attached PTO Form A and PTO Form SB/08B, formerly known as PTO Form 1449 are sed.	
	EXC	EPT THAT:	
		In view of the voluminous nature of references @@, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.	
		In accordance with 37 C.F.R. § 1.98(d), copies of the following references listed on the attached PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application.	

		Copies of references listed on the attached PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 were previously cited by or submitted to the U.S. Patent and Trademark Office in parent application Serial No filed on  If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
Statei	nent ur	nder 37 C.F.R. § 1.97(e)
	in the foreig	ndersigned attorney hereby states that each item information contained Information Disclosure Statement was cited in a communication from an patent office in a counterpart foreign patent application not more than months prior to the filing of the Information Disclosure Statement.
Petiti	o <b>n</b>	
	referen	cant(s) hereby petitions the Assistant Commissioner to consider the nees listed in this Information Disclosure Statement, on the enclosed Form SB/08A and PTO Form SB/08B, formerly known as PTO Form and the examination of the above-identified patent application.
Fees		
$\boxtimes$	No Fe	e is owed by the applicant(s).
		nformation Disclosure Statement Fee of \$180.00 under 37 C.F.R. (p) is enclosed herewith.
	The P	etition Fee of \$130.00 under 37 C.F.R. § 1.17(i)(1) is enclosed herewith.
Meth	od of Pa	nyment of Fees
		ned is a check in the amount of \$ This form is atted in duplicate.
		e Deposit Account No. 50-1275 in the amount of \$ Form is submitted in duplicate.
$\boxtimes$		e charge any deficiency or credit any overpayment to Deposit ant 50-1275.

No fee or Statement is required under 37 C.F.R. § 1.97(b).

Respectfully submitted,

Dated: 21 November 2002

Paul K. Legaard

Registration No. 38,534

COZEN O'CONNOR, P.C. 1900 Market Street, 5<sup>th</sup> Floor Philadelphia, PA 19103-3508 (215) 665-2000 – Telephone (215) 701-2013 - Facsimile

PTO/SB/08a (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

4	e required to respond to a collection o	r information unless it contains a valid Olvib control number.
		Complete if Known
	Application Number	10/660,997
	Filing Date	September 12, 2003
	First Named Inventor	David J. Ecker
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	IBIS0063-100 (DIBIS-0002US.P2)

			U.S. PATENT [	DOCUMENTS	
Examiner	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan
Initials *		Number - Kind Code <sup>2</sup> (if known)	IVIM-DD-1111		Passages or Relevant Figures Appear
	AA	US-5,849,492	12/15/1998	Rogan	
	AB	US- 5,965,363	10/12/1999	Monforte et al	
	AC	US- 5,605,798	02/25/1997	Koster	
·	AD	US- 5,547,835	08/22/1996	Koster	
	AE	US- 5,622,824	04/22/1997	Koster	
	AF	US- 5,872,003	02/16/1997	Koster	
	AG	US- 5,691,141	11/25/1997	Koster	
		US-			
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		US-			
		US-			

	FOREIGN PATENT DOCUMENTS					
<b>F</b>	No.1 Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Foreign Patent Document		Name of Patentee or	Pages, Columns, Lines,	
Examiner Initials*		Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>	
	ВА	WO99/14375	03/23/99	Genetrace Systems		
	BB	WO97/33000	09/12/97	Genetrace Systems		
	BC	WO98/20166	05/14/98	Sequenom		
	BD	WO97/37041	10/09/97	Sequenom		
	BE	WO99/31278	06/24/99	Sequenom		
_	BF	WO98/54751	12/03/98	Genetrace Systems		
	BG	WO98/12355	03/26/98	Genetrace Systems		

Examiner Signature	 Date Considered		
		<u> </u>	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08b(05-03)

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Complete if Known

10/660,997

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**Application Number** 

Substitute for form 1449A/PTO

Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Filing Date September 11, 2003

First Named Inventor David J. Ecker

Group Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

(use as many sheets as necessary)

2

Attorney Docket Number IBIS0063-100 (DIBIS-0002US.P2)

	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²			
	CA	Aaserud, et al., "Accurate base composition of double-strand DNA by mass spectrometry," J. Am. Soc. Mass Spec. (1996) 7:1266-1269.				
	СВ	Muddiman, et al., "Length and base composition of PCR-amplified nucleic acids using mass measurements from electrospray ionization mass spectrometry," Anal. Chem. (1997) 69:1543-1549.				
	СС	Wunschel, et al., "Heterogeneity in bacillus cereus PCR products detected by ESI-FTICR mass spectrometry," Anal. Chem. (1998) 70:1203-1207.				
	CD	Muddiman, et al., "Sequencing and characterization of larger oligonucleotides by electrospray ionization fourier transform ion cyclotron resonance mass spectrometry," Rev. Anal. Chem. (1998) 17:1-68.				
	CE	Hurst, et al., "Detection of bacterial DNA polymerase chain reaction products by matrix-assisted laser desorption/ionization mass spectrometry," Rapid. Comm. Mass. Spec. (1996) 10:377-382.				
	CF	Muddiman, et al., "Precise mass measurement of a double-stranded 500 base-pair (309 kDa) polymerase chain reaction product by negative ion electrospray ionization fourier transform ion cyclotron resonance mass spectrometry," Rapid Comm. Mass Spec. (1999) 13:1201-1204.				
			$\top$			

	20.171		
Examiner		Date	
Signature		Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/21 (08-03)

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Under the Paperwork Reduction Act of		Application Number	10/660,997	
TRANSMITTAL		Filing Date	September 12, 2003	
FORM		First Named Inventor	David J. Ecker	
(to be used for all correspondence after initial	al filing)	Art Unit	Not Yet Assigned	
		Examiner Name	Not Yet Assigned	
otal Number of Pages in This Submission	7	Attorney Docket Number	IBIS0063-100 (DIBIS-0002US.P2)	
	ENC! C	SURES (check all that apply)		
Fee Transmittal Form	☐ Drawin		After Allowance Communication to	
Fee Attached	Licens	ing-related Papers	Appeal Communication to Board of Appeals and Interferences	
Amendment / Reply	Petition	n	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
After Final		n to Convert to a ional Application	Proprietary Information	
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address		Status Letter	
Extension of Time Request	Termin	al Disclaimer	Other Enclosure(s) (please identify below):	
Express Abandonment Request	☐ Request for Refund ☐ CD, Number of CD(s)		References BA-BG and CA-CE	
Information Disclosure Statement		· · · · · ·		
Certified Copy of Priority Document(s)	Rema	rks		
Response to Missing Parts/ Incomplete Application				
Response to Missing Parts under 37 CFR 1.52 or 1.53				
SIGNA	TURE OF	APPLICANT, ATTORNEY, C	OR AGENT	
Firm or Paul K. Legaard/ Individual name	Reg No. 38	3,534		
Signature PUCLy O				
Date 21 NOVE	om bor	2003		
	CE	RTIFICATE OF MAILING		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

21 NOVEMBER 2003

Paul K. Legaard

Typed or printed name

Signature